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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,687	12/17/2001	Susan T. Tingey	83784CEB	2305

7590

09/20/2004

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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,687

Applicant(s)

TINGEY ET AL.

Examiner

Luan K Bui

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

1. The disclosure is objected to because of the following informalities: empty spaces on page 1, lines 6 and 8. Applicant is required to fill in the application serial numbers and filing dates and the status of the applications. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "said at least one article being wrapped in a hermetically sealed moisture and light barrier material define the package in reference to at least one article which is undefined and has not been positively claimed rendering the claims vague and indefinite because it is not clear what structural limitations applicant intends to encompass with such language. In claim 1, the phrase "means for removably attaching said reusable article container to said display member, said means for removably attaching comprising extended flange portions ..." is inaccurate and indefinite because the reusable article container does not comprise extended flange portions and attached to the display member only the plastic shell does.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal (4,842,141) in view of Nakagoshi et al. (5,667,071; hereinafter Nakagoshi'071) and Nakagoshi (5,020,669). To the extent that the Examiner can determine the scope of the claims, Segal discloses a storage and display package (A) comprising a display member having partially overlapped, closely spaced first and second layers (10, 12) and a plastic shell/transparent polymeric layer (40) for holding at least one item (B) having extended flange portions (50) snugly sandwiched between the partially overlapped, closely spaced first and second layers which is considered equivalent to means for removably attached a reusable article container to the display member as claimed. Segal also discloses the other claimed limitations except for the item being a reusable article container having a recloseable lid for containing at least one article. Nakagoshi'071 shows a storage and display package (26, 28) for holding a reusable article container (2, 4) having a recloseable lid (5) for containing at least one article (3). Nakagoshi suggests a storage and display package (1-6, 8) for holding a reusable article container (13) having a recloseable lid for containing at least one photographic film (Figure 7). It would have been obvious to one having ordinary skill in the art in view of in view of Nakagoshi'071 and Nakagoshi to modify the package of Segal so the item comprises a reusable article container having a recloseable lid for containing at least one article for better protecting the article and also allowing the package of Segal for holding the container in lieu of the item.

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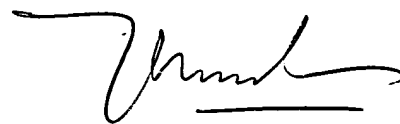
6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Kirk (4,613,038). Segal further fails to show the plastic shell/transparent polymeric layer being semi-rigid. Kirk shows a storage and display package (12) comprising a display member (40) and a plastic shell (20) formed from a semi-rigid transparent plastic material. It would have been obvious to one having ordinary skill in the art in view of Kirk to modify the package of Segal as modified so the plastic shell/transparent polymeric layer comprises a semi-rigid shell for better protecting the container within the shell.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 872-9301. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
September 14, 2004



Luan K. Bui
Primary Examiner